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C O N F I D E N T I A L SECTION 01 OF 02 BAGHDAD 001073

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TAGS: [PGOV](#) [PREL](#) [IZ](#)
SUBJECT: RRT ERBIL; SRSG PREVIEWS DISTRICT VISITS; KURDS
TEST WATER ON NON-REFERENDUM SOLUTION TO ARTICLE 140

REF: A. BAGHDAD 642
[B.](#) USUN 301
[C.](#) BAGHDAD 364
[D.](#) 06 BAGHDAD 4096

Classified By: RRT Jess Bailly for reasons 1.4 (b,d)

This is an Erbil Regional Reconstruction Team message.

Summary

[1.](#) (C) Special Representative of the Secretary General (SRSG) Staffan de Mistura briefed RRT that his upcoming visits to Hamdaniya, Makhmour, and Akre districts will lay the groundwork for recommendations to the Presidency Council to begin resolving Article 140. He said his goal is for the UN to facilitate a "grand political settlement" that addresses the disputed territories and the deadlocked national hydrocarbon legislation. De Mistura said avoiding a referendum will reduce opportunities for violent political contests in the "ticking time-bomb" that is Kirkuk. Initial public reaction to KRG support for a political agreement demonstrated the tight-rope Kurdish leadership will have to walk to maintain public legitimacy if no referendum takes place. End Summary.

SRSG launches district-level visits

[2.](#) (C) Special Representative to the Secretary General Staffan de Mistura met April 5 with RRT U.S. Regional Coordinator and RRTOffs to brief discussion points he would make in his visits to districts identified as "easier, mini-Kirkuks" to demonstrate progress on resolving boundary disputes (Ref A). De Mistura said his April 6-8 visits to Makhmour and Akre, which would likely be officially transferred to the KRG, and Hamdaniya, which would likely remain outside KRG control, were more about perception than actual results. His meetings will provide an opportunity to meet separately with the various stake-holders, he explained, hear their concerns, and describe the UN's role in the process. De Mistura said he viewed this trip as groundwork to prepare for a political settlement for the three districts, as well as Baladrooz/Mandali district in Diyala Province; a first step in the process to eventually defuse the "ticking time bomb" that is Kirkuk.

[3.](#) (C) De Mistura emphasized that he plans to remain open and transparent with all parties throughout the process, and safe-guard the perception that the UN is an honest broker. He will present his recommendations to Iraq's Presidency Council, but prefers to remain publicly quiet until then. He said opportunities for political actors to draw conclusions and then take up defenses must be reduced, so that the Presidency Council has some latitude in negotiating a way forward. De Mistura added that while he would have dinner

with Kurdistan National Assembly (KNA) leadership April 5, he would wait until further progress is made before addressing a KNA session to seek Kurdish buy-in, as he so successfully did in December, 2007 (Ref D).

Disputed territories, rather than Article 140

¶4. (C) De Mistura noted that although Article 140 is "not dead," the term Article 140 is used only by the Kurds at this point, as their claim to a constitutionally-mandated process serves them well. He referred instead to his own mandate, as outlined in UN Resolution 1770, to assist in resolving the disputed territories. He said he preferred to avoid the constitutional question regarding the continued validity of the Article 140 Committee, given the unhelpful, politicized discussions.

"Grand political settlement" instead of referendum?

¶5. (C) De Mistura emphasized that his strategy is to facilitate political agreement. He hopes an agreement on the four districts may give a nudge also to the hydrocarbons law, and lead eventually to a "grand political settlement" that will resolve not only disputed territories, but also the deadlock over oil revenue-sharing (Ref B). De Mistura said a referendum would likely provoke violence, as stake-holders would attempt to gain the advantage in the run-up to the vote. He said June 30 remained an unrealistic deadline to resolve the process, a fact Kurdish leadership understands, but has not publicly abandoned.

¶6. (SBU) Attempts to publicly broach a non-referendum

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solution by the KRG have met with mixed results. Recently in two interviews the KRG Director of Foreign Relations Falah Mustafa Bakir brought up the KRG's support for a non-referendum solution to Kirkuk: in Agence France Presse (AFP) March 28, and with the local weekly Hawal April 1. Falah said during the interview with AFP: "If there is any other solution (than the referendum), the government of Kurdistan is committed to be part of this solution" and "The government of Kurdistan would be ready to accept a political agreement that would satisfy all the parties." However, KDP-financed weekly The Kurdish Globe reported April 3 that Falah's comments were widely interpreted in Arab media as the KRG's willingness to compromise on Kirkuk. Falah criticized AFP for taking his comments out of context, and insisted that the KRG would not accept compromises on the 140 process.

Comment

¶7. (C) De Mistura's visit will be welcomed by the KRG leadership, as resolving Article 140 remains a top priority. The Kurds are confident they stand to gain from a resolution of the disputed territories, and success will beef up their legitimacy with the Kurdish public. Privately some Kurds, such as Prime Minister Nechirvan Barzani, are willing to express flexibility on resolving Article 140, while others, including President Masood Barzani and KNA Deputy Speaker Kemal Kerkuki, express serious doubt about the UN's plans (Ref C). Falah's remarks to AFP, repeating what we hear in private, and his quick clarification in response to accusations of Kurdish compromise, demonstrates the tight-rope Kurdish leaders walk in persuading the public to accept a negotiated settlement.

Comment Continued

¶8. (C) RRT monitoring of local press and discussions with contacts indicates inflamed attitudes on the importance of Article 140 are currently on the back-burner, and protests

would be highly unlikely in the near future. However, KRG leadership dissatisfaction with progress could lead them to organize large-scale demonstrations on short notice. RRTOff discussions with Kurds, Yezidis, and Christians indicate a referendum is the tool of choice to resolve the boundary disputes, rather than political deals made by the KDP and PUK. For many residents of KRG-controlled areas, only a referendum will confer legitimacy in resolving the disputed boundaries. When RRTOff mentioned this sentiment to de Mistura, he appeared to remain convinced that a political deal is the right way to go. If a political deal is the only viable, non-violent option, public awareness campaigns and other carrots to encourage communities to swallow what could be a bitter pill will be important. End Comment.
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